

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

WILFREDO TORRES
CHIEF PROBATION OFFICER

200 FEDERAL PLAZA
ROOM 130
PATERSON, NJ
(973) 357-4080
FAX: (973) 357-4092

January 22, 2013

Mailing Address:
50 WALNUT STREET
ROOM 1001
NEWARK, NJ 07102

www.njp.uscourts.gov

The Honorable William H. Walls
Sr. United States District Court Judge
Martin Luther King, Jr. Federal Building and U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

RE: **MORRISON, Rolando**
Dkt. No.: 03-CR-181

REQUEST TO WITHDRAW
VIOLATION PETITION

Dear Judge Walls:

On January 21, 2004, the above-mentioned offender appeared before Your Honor for sentencing upon being convicted of possession of a weapon by a convicted felon. Morrison was sentenced to one hundred and ten (110) month's custody. He was placed on supervised release for three (3) years and while on supervised release was ordered to comply with special conditions of financial disclosure, and to cooperate in the submission of a DNA specimen. Lastly, he was ordered to pay a special assessment of \$100.

Morrison was released from federal custody on March 18, 2010, and has been on supervision with the undersigned officer to date.

This is to supplement our previous letter to the Court concerning Morrison's non-compliant conduct. On March 18, 2011, we notified the Court of the offender being charged by the Jersey City Police Department with the alleged law violations of aggravated assault with the use of a deadly weapon (by purposely/knowingly causing serious bodily injury), possession of a weapon for an unlawful purpose (handgun), possession of a weapon (handgun) for and an unlawful purpose, and by being a certain person prohibited from possessing a weapon (handgun), with the recommendation that a warrant be issued and lodged as a detainer as the offender was in custody. Upon our recommendation Your Honor issued a warrant for Morrison's arrest on March 24, 2011.

The offender subsequently posted bail on the Hudson County charges and was released to the custody of the U.S. Marshal's Service on the aforementioned warrant and appeared before the Honorable Joseph Dickson for an initial appearance on July 29, 2011. At that time Morrison was remanded to custody pending his appearance before Your Honor on the violation charge.

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Thereafter, Morrison appeared before Your Honor on September 14, 2011. Given that the new law violations were pending adjudication, Your Honor released the offender on \$100,000 bail with a 10% cash option. Morrison was also ordered to surrender his passport, not to leave the District of New Jersey, and was placed on Location Monitoring.

Subsequent to his appearance before the Court, the Hudson County Prosecutors Office recently dismissed the law violations for a lack of evidence.

After discussion with the Hudson County Prosecutors Office, and consultation with Assistant United States Attorney Andrew Pak, we are respectfully recommending that the violation petition be withdrawn as we do not believe that we would be able to prove that the offender violated the terms of his supervision by a preponderance of the evidence with the information available. If Your Honor concurs this would enable the offender to immediately be released from the conditions of his bail and continue on supervision.

Lastly, we are also recommending for the Court's consideration, that Morrison receive credit for the time he has been released on bail toward his supervised release supervision, which would enable Morrison's supervision term to expire on March 17, 2013, absent any further non-compliance. Should you have any questions or require additional information please contact the undersigned officer at (973) 223-1013.

Very truly yours,

WILFREDO TORRES, Chief
U.S. Probation Officer

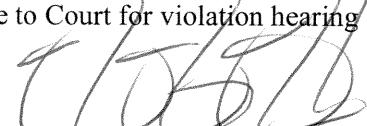
Kevin J. Mullens

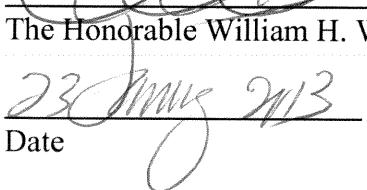
By: Kevin J. Mullens
Supervising U.S. Probation Officer

/kjm

The probation office respectfully requests that the Court respond with a directive:

- Withdraw violation petition and continue on supervision with the original supervision expiration date of March 13, 2013 to remain in effect
 Return case to Court for violation hearing
 Other


The Honorable William H. Walls, Sr. U.S.D.J.


Date